

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*Cleveland Bakers and Teamsters Health
and Welfare Fund, et al. v. Purdue
Pharma L.P., et al.*

Case No. 1:18-op-45432-DAP

MDL No. 2804

Case No. 1:17-md-2804

Hon. Dan Aaron Polster

**[PROPOSED] ORDER GRANTING MANUFACTURER DEFENDANTS' MOTION
TO CERTIFY THE COURT'S FEBRUARY 21, 2020 ORDER
FOR IMMEDIATE APPEAL UNDER 28 U.S.C. § 1292(b)**

This matter having come before the Court upon motion by the Manufacturer Defendants to certify for immediate appeal under 28 U.S.C. § 1292(b) the Court's February 21, 2020 Opinion and Order, Dkt. 3177 ("Order"), denying, as relevant here, their motion to dismiss the RICO claims brought by Plaintiffs Cleveland Bakers and Teamsters Health and Welfare Fund and Pipe Fitters Local Union No. 120 Insurance Fund (the "Third-Party Payors"); the Court having reviewed the motion, and related papers; due and proper notice having been provided; and, after due deliberation, the Court finds that the Manufacturer Defendants' motion should be GRANTED.

The Court hereby incorporates by reference herein the Order and AMENDS the Order to include this Court's determination that the Order involves a controlling question of law as to which there is substantial ground for difference of opinion, namely whether the Third-Party Payors' allegations meet RICO's proximate cause requirement, and that immediate appeal on that issue may materially advance the ultimate termination of the litigation.

SO ORDERED this __ day of _____, 2020.

HON. DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE